IN THE DRAWINGS:

Figures 23, 27, 29 and 31 are replaced with the attached replacement sheets of such figures.

REMARKS

Claims 1-15 are pending. By this Amendment Figures 20, 23, 27, 29 and 31 are amended; the specification is amended; claims 1 and 11 are amended; and claims 14 and 15 are added. Reconsideration in view of the above amendments and following remarks is respectfully requested.

With respect to Applicants' claim for priority to Japanese Application 2000-112388, it is respectfully noted that a certified copy of the Japanese application was filed in the parent application, U.S. Application 09/832,800, on its filing date of April 12, 2001. As indicated in MPEP § 201.14(b)II., it is not necessary to file an additional certified copy in a continuation-in-part application.

Acknowledgment of the claim for priority to Japanese Application 2000-112388 is respectfully requested.

The drawings were objected to under 37 C.F.R. §§ 1.84(p)(4 and 5). Figures 20, 23, 27, 29 and 31, and the specification, have been amended to obviate the objection.

Reconsideration and withdrawal of the objection to the drawings are respectfully requested.

Claims 1-13 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 28, 29, 31 and 35-37 of U.S. Patent 6,649,893. The rejection is respectfully traversed.

MPEP § 804II.B.1. states: "A double patenting rejection of the obviousness-type is 'analogous to [a failure to meet] the nonobviousness requirement of 35 U.S.C. 103' except that the patent principally underlying the double patenting rejection is not considered prior art. *In re Braithwaite*, 379 F.2d 594, 154 USPQ 29 (CCPA 1967). Therefore, any analysis employed in an obviousness-type double patenting rejection parallels the guidelines for analysis of a 35 U.S.C. 103 obviousness determination. *In re Braat*, 937 F.2d 589, 19 USPQ2d 1289 (Fed. Cir. 1991); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985).

"Since the analysis employed in an obviousness-type double patenting determination parallels the guidelines for a 35 U.S.C. 103(a) rejection, the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103 are employed when making an obvious-type double patenting analysis. These factual inquiries are summarized as follows:

(A) Determine the scope and content of a patent claim relative to a claim in the application at issue;

(B) Determine the differences between the scope and content of the patent claim as determined in (A) and the claim in the application at issue;

(C) Determine the level of ordinary skill in the pertinent art; and

(D) Evaluate any objective indicia of nonobviousness.

"The conclusion of obviousness-type double patenting is made in light of these factual determinations.

"Any obviousness-type double patenting rejection should make clear:

(A) The differences between the inventions defined by the conflicting claims - a claim in the patent compared to a claim in the application; and

(B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim at issue would have been an obvious variation of the invention defined in a claim in the patent."

It is respectfully submitted that the Examiner has not presented a *prima facie* case of obviousness-type double patenting. In particular, it is respectfully submitted that the Examiner has not: 1) made clear the differences between claims 1-13 of the instant application and claims 1, 28, 29, 31 and 35-37 of U.S. Patent 6,649,893; and/or 2) provided any reasons why a person of ordinary skill in the art would conclude that the invention defined in the claims 1-13 would have been an obvious variation of the invention defined in claims 1, 28, 29, 31 and 35-37 of U.S. Patent 6,649,893. The Examiners' conclusion that the claims 1-13 are not patentably distinct from claims 1, 28, 29, 31 and 35-37 of U.S. Patent 6,649,893 because "the current application is a mere broader version of the claimed invention of the above-mentioned U.S. Patent" does not rise to the level of analysis required to present a *prima facie* case.

Reconsideration and withdrawal of the rejection of claims 1-13 under the judicially created doctrine of obviousness-type double patenting are respectfully requested.

Claims 1, 2, 11 and 13 were rejected under 35 U.S.C. § 102(b) over Abe (U.S. Patent 5,892,622) and claims 3-10 and 12 were rejected under 35 U.S.C. § 103(a) over Abe. The rejections are respectfully traversed.

The Examiner equates the lenses 2, 19, 20 of Abe to the multi-beam generating member recited in claim 1 and 11. However, the lenses 2, 19, 20 of Abe differ from the multi-beam producing member of the present invention in that they only make a single beam

of light to pass the lens as a single beam of light. In other words, the lenses 2, 19, 20 of Abe do not produce a plurality of beams of light so that a plurality of beam of light passing the multi-beam producing member are condensed on a plurality of spots on the photodetector. Accordingly, claims 1 and 11 are not anticipated, nor rendered obvious, by Abe.

Claims 2-10, 12 and 13, and new claims 14 and 15 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claims 1 and 11 and for the additional features recited therein.

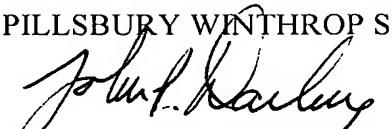
Reconsideration and withdrawal of the rejections over Abe are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all the claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



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Attachments:

Replacement Sheets (Figures 20, 23, 27, 29 and 31)